

LUTHER ORTON (State Bar No. 54258)  
JENNIFER L. SHODA (State Bar No. 194469)  
SNYDER MILLER & ORTON LLP  
111 Sutter Street, Suite 1950  
San Francisco, CA 94104  
Telephone: (415) 962-4400  
Facsimile: (415) 962-4401

BRUCE J. ROSE  
S. BENJAMIN PLEUNE  
ALSTON & BIRD, LLP  
101 South Tryon Street  
Charlotte, NC 28280  
Telephone: (704) 444-1000  
Facsimile: (704) 444-1111

Attorneys for Defendants  
The Homestore.com, Inc.,  
The National Association of Realtors, and  
The National Association of Home Builders of the  
United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KEVIN L. KEITHLEY, et al.,

Plaintiffs,

vs.

THE HOMESTORE.COM, INC., et al,

Defendants.

Case No. C 03-04447 SI (EDL)

**DEFENDANTS' ADMINISTRATIVE  
MOTION FOR FILING UNDER  
SEAL**

**SUPPORTING DECLARATION OF  
LUTHER ORTON**

**[PROPOSED] ORDER**

**ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

**1. Papers Submitted For Filing Under Seal in Their Entireties**

Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendants Homestore, Inc., the National Association of Realtors and the National Association of Home Builders of the United States hereby request leave of Court to file under seal in its entirety the following documents being lodged with the Clerk:

{00018450.DOC; 1}

1

**DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL;**

Case No. C 03-04447 SI (EDL)

**EXHIBITS A THROUGH I TO THE DECLARATION OF PHILIP DAWLEY IN SUPPORT OF DEFENDANTS' SUPPLEMENTAL MEMORANDUM RE: SPOILIATION REMEDY**

Said exhibits contains highly sensitive, highly confidential information.

The exhibit has been designated as "Highly Confidential – Attorneys' Eyes Only" by Defendants.

**2. Motion Submitted for Partial Filing Under Seal**

Defendants assert that portions of Exhibits A through I to the Declaration of Philip Dawley in Support of Defendants' Supplemental Memorandum Re: Spoliation Remedy contain sensitive, highly confidential information. Accordingly, Defendants respectfully request leave of Court to file under seal Exhibits A through I to the Declaration of Declaration of Philip Dawley in Support of Defendants' Supplemental Memorandum Re: Spoliation Remedy that reveal the above described sensitive, highly confidential information.

**SUPPORTING DECLARATION OF LUTHER ORTON**

I, Luther Orton, declare as follows:

I am an attorney at law licensed to practice before all of the courts of the State of California. I am a partner in the law firm of Snyder, Miller & Orton, counsel for defendants Homestore, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively "Defendants"). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April <sup>15<sup>th</sup></sup> 2008, at San Francisco, California.

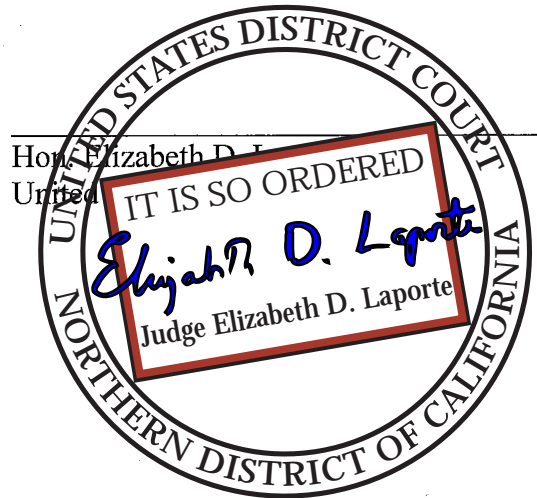
  
Luther Orton

**~~PROPOSED~~ ORDER**

Upon good cause shown, IT IS HEREBY ORDERED that EXHIBITS A THROUGH I TO THE DECLARATION OF PHILIP DAWLEY IN SUPPORT OF DEFENDANTS' SUPPLEMENTAL MEMORANDUM RE: SPOLIATION REMEDY be filed under seal by the Clerk.

**IT IS SO ORDERED.**

Dated: May 1, 2008



**PROOF OF SERVICE**

I, MICHELLE TRAINA, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 111 Sutter Street, Suite 1950, San Francisco, California 94104. On April 15, 2008, I served the within documents:

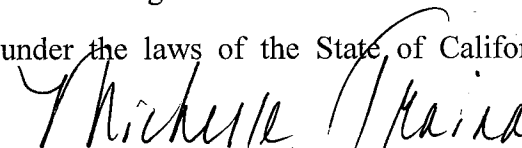
**DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL;  
SUPPORTING DECLARATION OF LUTHER ORTON; [PROPOSED] ORDER**

- ☒ by transmitting via **electronic mail** the document(s) listed above to the fax number(s) set forth below or on the attached service list .
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below or on the attached service list.
- ☐ by placing the document(s) listed above in a sealed **Federal Express** envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a **Federal Express** agent for delivery to the addressee(s) below or on the attached service list.
- ☐ I will cause the envelope(s) with the document(s) listed above to be delivered by hand, via **Western Messenger** to the addressee(s) below on **April 16, 2008 per agreement.**
- ☐ by transmitting via **E-Filing** the document(s) listed above to the person(s) at the address(es) set forth below or on the attached service list.

Scott R. Mosko  
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, CA 94304  
[scott.mosko@finnegan.com](mailto:scott.mosko@finnegan.com)  
Telephone: (650) 849-6672  
Facsimile: (650) 849-6666

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
**Michelle Traina**